

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 628**

Introduced by Brashear, 4

Read first time January 19, 1999

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to public records; to amend sections 84-712 and  
2 84-712.01, Reissue Revised Statutes of Nebraska; to  
3 require provision of copies of public records at actual  
4 cost; to provide requirements for such copies; and to  
5 repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1.   Section 84-712, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           84-712.   Except as otherwise expressly provided by  
4 statute, all citizens of this state, and all other persons  
5 interested in the examination of the public records, as defined in  
6 section 84-712.01, are hereby fully empowered and authorized to  
7 examine the same, and to make memoranda, copies, and abstracts  
8 therefrom, all free of charge, and to obtain copies of public  
9 records at actual cost from those custodians who have copying  
10 equipment available, during the hours the respective offices may be  
11 kept open for the ordinary transaction of business.

12           Sec. 2.   Section 84-712.01, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           84-712.01. (1) Except when any other statute expressly  
15 provides that particular information or records shall not be made  
16 public, public records shall include all records and documents,  
17 regardless of physical form, of or belonging to this state, any  
18 county, city, village, political subdivision, or tax-supported  
19 district in this state, or any agency, branch, department, board,  
20 bureau, commission, council, subunit, or committee of any of the  
21 foregoing. Data which is a public record in its original form  
22 shall remain a public record when maintained in computer files.

23           (2) All citizens of this state and all other persons  
24 interested in the examination of public records may obtain copies  
25 in any form in which the public records are maintained, including  
26 printouts, electronic data, and photocopies, from the custodian of  
27 the public record. Except as otherwise expressly provided by  
28 statute, the custodian of a public record may charge a fee for

1 providing copies of the public record limited to the actual cost of  
2 making the copies. For photocopies, the fee shall be in the amount  
3 of the reasonably calculated actual average cost of making the  
4 copies, with a maximum fee of fifteen cents per page. For  
5 printouts of computerized data on paper, the fee shall not exceed  
6 the reasonably calculated actual cost of computer run time and the  
7 cost of the paper for making the copy, with a maximum fee of  
8 fifteen cents per page. For electronic data, the fee shall not  
9 exceed the reasonably calculated actual cost of the computer run  
10 time required to produce a copy of the data plus the actual cost of  
11 the medium, to the extent that medium is provided by the custodian.

12 (3) Upon receipt of a request for access to or copies of  
13 a public record, the custodian of the public record to whom the  
14 request is directed shall provide access to and copies of the  
15 public record or if there is a legal basis for denial of access and  
16 copies, shall provide a written denial of the request together with  
17 the information specified in section 84-712.04 as soon as is  
18 practicable and without delay, but not more than three business  
19 days after receipt of the request.

20 (4) When a custodian of a public record of a county which  
21 has a population of one hundred thousand inhabitants or more as  
22 determined by the most recent federal decennial census provides to  
23 a member of the public, upon request, a copy of the public record  
24 by transmitting it from a modem to an outside modem, a reasonable  
25 fee may be charged for such specialized service. Such fee may  
26 include a reasonable amount representing a portion of the  
27 amortization of the cost of computer equipment, including software,  
28 necessarily added in order to provide such specialized service.

1 This subsection shall not be construed to require a governmental  
2 entity to acquire computer capability to generate public records in  
3 a new or different form when that new form would require additional  
4 computer equipment or software not already possessed by the  
5 governmental entity.

6           ~~(3)~~ (5) Sections 84-712 to 84-712.03 shall be liberally  
7 construed whenever any state, county, or political subdivision  
8 fiscal records, audit, warrant, voucher, invoice, purchase order,  
9 requisition, payroll, check, receipt, or other record of receipt,  
10 cash, or expenditure involving public funds is involved in order  
11 that the citizens of this state shall have the full right to know  
12 of and have full access to information on the public finances of  
13 the government and the public bodies and entities created to serve  
14 them.

15           Sec. 3. Original sections 84-712 and 84-712.01, Reissue  
16 Revised Statutes of Nebraska, are repealed.